54

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,601	01/20/2000	Evgeniy M. Getsin	IACTP016	6034

22242 7590 06/02/2005	EXAMINER
FITCH EVEN TABIN AND FLANNERY	KOENIG, ANDREW Y

120 SOUTH LA SALLE STREET		
SUITE 1600	ART UNIT	PAPER NUMBER
CHICAGO, IL 60603-3406	2611	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/489,601	GETSIN ET AL.
	Examiner	Art Unit	
	Andrew Y. Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 March 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10/27/04, 1/27/05</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 21 March 2005 have been fully considered but they

are not persuasive.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

Independent claims 1, 6, and 15 recite, "ascertaining whether the client

apparatuses have the event stored in memory..." and "... upon ascertaining that the

client apparatus has the predefined content stored ...." There is no support in the

specification as originally filed of the ascertaining whether the client apparatuses have

the event stored in memory.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Peterson, U.S. Patent No. 5,825,876 (of record) in view of Faris et al. (Faris), U.S.

Patent Publication No. US 2002/0026321 A1 and U.S. Patent 6,463,468 to Buch et al.

(Buch)

Regarding **claims 1, 6 and 11**, Peterson discloses a method,

corresponding computer program and corresponding system for identifying a

plurality of events which are played back on a plurality of networked client

apparatuses (col. 2, lines 26-41), comprising

    (a)   providing a plurality of events stored in memory (medium **10**) on a

           plurality of client apparatuses (controller **14**; see col. 2, lines 46-54

           disclosing system methodology including multiple consumers,

           comprising multiple events and client apparatuses), an

           authorization granted message that includes a unique identifier (**24**)

           of the secured content which is stored, along with the start time

           (col. 8, ll. 32-39) the events each having a unique identifier

           associated therewith and stored in memory (identifier **24**; see col. 5,

lines 30-35), wherein the client apparatuses are adapted to be
coupled to a host computer (authorization center **16**) via a network
(PTSN **18**; see col. 8, lines 13-16);

(b)   ascertaining the identifier of the event stored in memory of the
        client apparatuses utilizing the network (col. 8, lines 18-27, col. 8, ll.
        32-39, disclosing transmission of identifier **24** to server **60** and
        return of authorization granted message comprising identifier **24** of
        secured content **28**);

(c)   comparing the authorization grant message (comprising the
        identifier) with an identifier of a scheduled event (col. 8, lines 23-26;
        col. 8, lines 41-47 describing the scheduled (premier) event time
        and date; see col. 8, line 66 - col. 9, line 5 describing comparison of
        content **28** associated with identifier **24** to authorization list **56**),
        wherein an identifier of a scheduled event is a time; and

(d)   beginning playback of the event on each of the client apparatuses if
        the comparison renders a match (col. 9, lines 18-21; see col. 2,
        lines 54-58, disclosing playback on or after premier event time).

Although Peterson discloses the period for playback beginning
simultaneously (e.g., common premier time), Peterson fails to specifically
disclose beginning playback of the event simultaneously.

However, Faris, in an analogous art, teaches simultaneously beginning
the playback of an event, where an event may comprise stored audio-video

content and the execution of programs, on a plurality of client devices in response to trigger data transmitted to the client devices from a server (paragraph 137, describing purpose of GSU unit **175** in conjunction with client device **160** (see Figs. **1** and **2C**) to perform actions in response to precise time conditions; paragraph 138, describing triggers to synchronize execution of audio-video content and programming content on client devices, where triggers to execute content on a client device inherently discloses a comparison of an identifier; see paragraph 142, suggesting application to any task where precise triggering of timed events is required) for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson to incorporate beginning the playback of the event simultaneously, as taught by Faris, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

Peterson teaches storing the event beforehand, however Peterson is silent on ascertaining whether the client apparatuses have the event stored in memory. However, Faris teaches that the user machine downloads the contest software (pg. 6, para. 0069, see also fig. 4A, pg. 16, para. 0170). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson to download the events as taught by

Faris in order to reduce latency and permit the event to be launched at the appropriate time.

Peterson and Faris are silent on ascertaining whether the client apparatuses have the event stored in memory. Buch teaches a step of ascertaining whether a download is complete (see fig. 11, step 1112, col. 12, ll. 35-51), which reads on ascertaining whether the client apparatuses have the event stored in memory at the client device. Further, Peterson teaches that the download must be complete before continuing (col. 12, ll. 35-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson and Faris by ascertaining whether the client apparatuses have the event stored in memory as taught by Buch in order to provide complete content to the user.

Claims 2, 7, and 12 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the event including a video and audio presentation (col. 2, lines 46-50).

Claims 3, 8, and 13 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the event including a movie (col. 2, lines 46-50).

Claims 4, 9, and 14 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses a wide area network (PTSN **18**, col. 8, lines 12-17).

Claims 5, 10, and 15 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the memory including a digital video disk (col. 5, lines 24-27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).
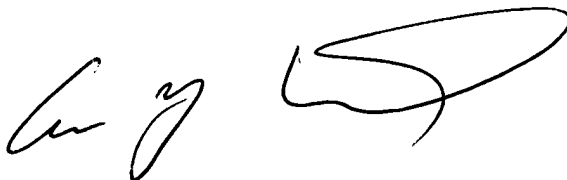
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ayk